

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHAEL MALOTT, # 467434,

Plaintiff,

Case No. 1:15-CV-1148

v.

HON. GORDON J. QUIST

THOMAS MACKIE, et al.,

Defendants.

ORDER ADOPTING
REPORT AND RECOMMENDATION

The Court has reviewed Magistrate Judge Phillip J. Green's July 26, 2016 Report and Recommendation, which recommends that the Court deny Defendants' motion for summary judgment based on Plaintiff's failure to exhaust administrative remedies and that the Court dismiss Plaintiff's claims for damages against Defendants in their official capacities as barred by Eleventh Amendment Immunity. The Report and Recommendation was served on the parties on July 26, 2016, and no party has filed objections pursuant to 28 U.S.C. § 636. Accordingly, the Court will adopt the Report and Recommendation.

THEREFORE, IT IS ORDERED that the Report and Recommendation of the Magistrate Judge (ECF No. 48), filed July 26, 2016, is approved and adopted as the opinion of the Court.

IT IS FURTHER ORDERED that Defendants' Motion for Summary Judgment (ECF No. 26) is **DENIED**.

IT IS FURTHER ORDERED that Plaintiff's claims for damages against Defendants in their official capacities are **DISMISSED**.

Dated: August 24, 2016

/s/ Gordon J. Quist
GORDON J. QUIST
UNITED STATES DISTRICT JUDGE